

Issue #5 on the November 3rd ballot is for Proposed Charter Amendments to update the City of Louisville Charter for City of Louisville residents. Please see the full Louisville Charter, with blue ink showing proposed new language and red strikethrough as proposed eliminations. For further information see the City of Louisville website at www.louisvilleohio.com or contact City Hall at (330) 875-3321.

CHARTER

OF THE CITY OF LOUISVILLE, OHIO

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EDITOR'S NOTE: The Louisville Charter was approved by the voters at a special election October 4, 1960. Dates appearing in parentheses following section headings indicate those sections were subsequently amended, added or repealed on the date given.

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**CHARTER
OF THE
CITY OF LOUISVILLE, OHIO
PREAMBLE**

We, the people of the City of Louisville, in the County of Stark and the State of Ohio, in order that we may have the benefits of municipal home rule and exercise all the powers of local self-government, do frame and adopt this Charter for the government of the aforesaid City of Louisville.

**ARTICLE I
INCORPORATION, FORM OF GOVERNMENT AND POWERS**

SECTION 1. INCORPORATION.

The inhabitants of the Municipality of Louisville, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Louisville".

SECTION 2. FORM OF GOVERNMENT.

The municipal government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the State constitution and by this Charter, all powers of the City shall be vested in an elective Council, hereinafter referred to as "the Council," which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance, and in the absence of both, then in the manner of the general laws of the State of Ohio.

SECTION 3. POWERS OF THE CITY.

The City shall have all the powers granted to municipal corporations by the Constitution and general laws of this State together with all the implied powers necessary to carry into execution all the powers granted. The City may acquire property within or without its corporate limits for any City purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require, and may cancel or release any easement, right of way, estate or interest less than fee simple; and, except as prohibited by the Constitution of this State or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers which, under the Constitution and general laws of this State, it would be competent for this Charter specifically to enumerate.

**ARTICLE II
THE COUNCIL**

SECTION 1. NUMBER, SELECTION AND TERM.

The number of ~~Councilmen~~ Council Members shall be five, one of whom shall be elected “Mayor-~~Councilman~~ Council Member.”

All ~~Councilmen~~ Council Members shall be elected from the City at large in the manner as provided in Article IX, for a term of four years or until their successors have been elected and take office as provided in this Charter. The Mayor-~~Councilman~~ Council Member and the two Councilmen Council Members receiving the higher vote totals in the election following the adoption of this section shall be elected to terms of four years. The two ~~Councilmen~~ Council Members receiving the lower vote totals in the election following the adoption of this section shall be elected to terms of two years and thereafter to terms of four years. (Amended May 8, 1984)

SECTION 2. QUALIFICATIONS.

~~Councilmen~~ Council Members shall be qualified electors of the City and shall hold no other public office except that of notary public or member of the National Guard or Naval or Military Reserve. If a ~~councilman~~ council member shall cease to possess any of these qualifications or shall be convicted of crime involving moral turpitude, ~~his~~ their office shall immediately become vacant.

SECTION 3. SALARY.

The annual salary of Mayor-~~Councilman~~ Council Member shall be \$600.00 and of all other ~~councilman~~ council member shall be \$120.00 until changed by ordinance, but shall not be increased during the current term of ~~councilmen~~ council member enacting such ordinance.

SECTION 4. PRESIDING OFFICER, MAYOR-COUNCIL MEMBER.

The Mayor-Council Member shall preside at meetings of the Council, and shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor-Council Member shall be authorized to sign on behalf of the City the employment agreement by and between the City and the appointed City Manager following the appointment prescribed within this Charter. The Mayor-Council Member shall perform all the general judicial duties and have such jurisdiction in civil and criminal cases as provided for by the legislature of this State for mayors. ~~The~~ At its organizational meeting each January, the Council shall elect from the Council Members ~~an Assistant Mayor-Council Member a Vice Mayor~~ who shall act as Mayor-Council Member during the absence or disability of the Mayor-Council Member, and if a vacancy occurs shall become Mayor-Council Member for the completion of the unexpired term. When the ~~Assistant Mayor-Council Member~~ Vice Mayor performs the duties of the Mayor-Council Member he/she shall receive the salary of Mayor-Council Member and Mayor-Council Member shall receive the salary of Council Member.
(Amended November 2, 1999)

SECTION 5. POWERS.

All the powers of the City and the determination of all matters of policy shall be vested in the Council. Without limitation of the foregoing, the Council shall have power to:

- (1) Appoint, assign duties, and remove the City Manager;
- (2) Establish other administrative departments;
- (3) Adopt the budget of the City, levy taxes and special assessments;
- (4) Authorize the issuance of bonds, notes and other forms of indebtedness by ordinance;
- (5) Inquire into the conduct of any office, department or agency of the City and make investigations as to Municipal affairs;
- (6) Appoint the members of the Civil Service Commission on a nonpartisan basis;
(Amended Nov. 4, 1980)
- (7) Appoint the members of the Planning Commission;
- (8) Establish all salaries and wages;
- (9) Adopt plats;
- (10) Adopt and modify the Official Map of the City;
- (11) Regulate and restrict the height and number of stories of buildings and other structures, the size of yards and courts, the density of populations and the location and use of buildings for trade, industry, business, residence or other purpose;
- (12) Enact and adopt ordinance measures and regulations for the establishment and preservation of the public peace, safety, health and general welfare;
- (13) Provide for an independent audit;
- (14) Determine and establish all rates, charges, assessments and contracts pertaining to the use and service of public utilities;
- ~~(15) Serve as a Board of Control to accept all bids, award all contracts, approve all expenditures that exceed the statutory sum not requiring bids for a statutory city in the State of Ohio.~~
(Amended Nov. 4, 1980)

SECTION 6. APPOINTMENT OF CITY MANAGER.

The Council shall appoint an officer of the City who shall have the title of City Manager and shall have the powers and perform the duties in this Charter provided. No ~~councilman~~ council member shall receive such appointment during the term for which ~~he~~ they shall have been elected, nor within two years after the expiration of ~~his~~ their term.

SECTION 7. REMOVAL OF THE CITY MANAGER.

The Council shall appoint the City Manager for an indefinite term and may remove ~~him~~ the City Manager by majority vote of its members. At least thirty days before such removal shall become effective, the Council shall by majority vote of its members adopt a preliminary resolution stating the reason for ~~his~~ the City Manager's removal. The Manager may reply in writing within ten days and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the initial filing of such request. After such public hearing, members may adopt a final resolution of removal. By the preliminary resolution the Council may suspend the Manager from duty.

(Amended November 2, 1999)

SECTION 8. COUNCIL NOT TO INTERFERE WITH APPOINTMENTS OR REMOVALS.

Neither the Council nor any of its members shall seek to directly appoint, hire, give direction to, supervise, suspend, discipline or terminate any City employee other than as specifically authorized by this Charter. City Council and its members may consult with the City Manager and make recommendations to the City Manager as to the appointment, hiring, direction, supervision, suspension, discipline or termination of City employees. The City Manager shall, where practical, advise City Council of any hiring, discipline, suspension or termination of any City employee before said action is taken. Any Council Member violating this section of the Charter shall be guilty of a misdemeanor and upon conviction thereof, shall cease to be a Council Member.

(Amended November 2, 1999)

SECTION 9. VACANCIES IN COUNCIL.

Vacancies in Council shall be filled by election by the remaining members of Council for the unexpired term. If Council fails ~~within thirty days~~ to fill such vacancy within thirty (30) days after it shall have occurred, the Mayor-~~Councilman~~ Council Member shall fill it by appointment within the next thirty (30) days. Should an incoming member die, resign, or be disqualified between election and the time for taking office, the vacancy shall be filled by the newly elected Council by January 31 of the year immediately following the election, and if Council fails to do so, then the Mayor-Council Member shall fill it by appointment within the next thirty (30) days. Each Council member elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until the beginning of the term of a successor elected for the unexpired term as hereinafter provided. A successor shall be elected for the unexpired term at the next regular Municipal election if such election shall occur more than two (2) years prior to the expiration of the unexpired term and if the vacancy shall have occurred more than one hundred twenty (120) days prior to such election.

SECTION 10. CREATION OF NEW DEPARTMENTS OR OFFICES AND CHANGE OF DUTIES.

The Council by ordinance may create, change and abolish offices, departments or agencies other than the offices, departments and agencies established by this Charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

SECTION 11. CITY CLERK.

The Council shall ~~elect~~ appoint an officer of the City, who shall have the title of City Clerk, who shall give notice of its meetings, shall keep the journal of its proceedings, shall authenticate by ~~his~~ their signature and record in full in a book kept for the purpose all ordinances and resolutions, shall serve as Secretary and Clerk of the Civil Service and Planning Commissions, and shall perform such other duties as shall be required by this Charter or by ordinance. All duties and powers imposed and vested by the general laws of this State upon the

auditor of a city, not specifically or impliedly revoked or superseded by this Charter, shall be assumed and performed by the City Clerk.

SECTION 12. ~~INTRODUCTION OF COUNCIL INTO OFFICE AND ORGANIZATIONAL MEETING;~~ MEETINGS OF COUNCIL.

~~The first meeting of each newly elected Council~~(A) For purposes of organization, for introduction of newly-elected Council Members into office or other proper duties, the Council shall ~~be held at 7:30~~meet at 7:00 p.m. on the first Monday in January ~~next following its election~~, after which the Council shall meet regularly on the first and third Monday of each calendar month at ~~7:30-7:00~~ p.m. until changed by ordinance. All meetings of the Council, except executive sessions called and conducted as provided in ~~the~~this section, shall be open to the public. Whenever a regular scheduled meeting falls on a legal holiday the meeting shall be held on the following day. The Council may by ordinance provide for the calling of special meetings.

(B) Executive sessions of the Council, from which the public and the news media may be excluded, may be held for only ~~the following~~those purposes as authorized by general law and for such other purposes as may hereafter be authorized by general Ohio law, including:

- (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no executive session of the Council shall be held for the discipline of an elected official for conduct related to the performance of his official duties or for his removal from office. If the Council holds an executive session pursuant to this paragraph, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in this paragraph section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.
- (2) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of the Council or other officer or employee of the City shall use this division as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of the Council or from any other officer or employee of the City that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

If the minutes of the Council show that all meetings and deliberations of the Council have been conducted in compliance with this section, any instrument executed on behalf of the City purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona

- fide purchasers, lessees, or transferees of the property is concerned.
- (3) Conferences with an attorney for the City concerning disputes involving the City that are the subject of pending or imminent court action;
 - (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;
 - (5) Matters required to be kept confidential by federal law or rules or state statutes;
 - (6) Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.
 - (7) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that:
 - (a) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Ohio Revised Code Chapter 715, 725, 1724, or 1728, or Sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project; and
 - (b) A unanimous quorum of the public body determines, by roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

~~An~~ Except as otherwise provided in this Charter an executive session of the Council may be held only at a regular or special meeting of the Council, upon the affirmative vote, by roll call, of a majority of the members of the Council, on a motion specifying the purpose or purposes for which such executive session is to be held. At such executive session no other matters shall be considered or discussed, nor shall any votes be taken.
(Amended May 4, 1993)

SECTION 13. COUNCIL TO BE JUDGE OF QUALIFICATIONS OF ITS MEMBERS.

The Council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the Council in any such case shall be subject to review by the courts.

SECTION 14. RULES OF PROCEDURE, JOURNAL AND EXPULSION OF MEMBERS.

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection. Any ~~councilman~~ council member may, after unexcused absence from three consecutive regular meetings, be removed by a majority vote of the remaining members of Council and any ~~councilman~~ council member shall, after absence from five consecutive regular meetings, be removed and ~~his~~ their office declared vacant.

SECTION 15. ORDINANCES, RESOLUTIONS AND MOTIONS.

Council legislative action shall be by ordinance or resolution. In addition to such acts of the Council as are required by statute or by this Charter to be by ordinance, ~~every act of the Council shall act by ordinance when~~ establishing a fine or other penalty, ~~or~~ providing for the expenditure of funds other than as provided in Article III, Section 2 of this Charter, or for the contracting of indebtedness, or granting a franchise, or ~~to sell or lease~~ selling or leasing real estate, or ~~to create~~ creating, ~~abolish or reorganize~~ abolishing or reorganizing any departments or offices, ~~or to fix~~ fixing the compensation of officers, shall be by ordinance ~~employees or elected officials of the City, or establishing permanent or general rules of conduct or government.~~ The enacting clause of all ordinances shall be, "The Council of the City of Louisville, State of Ohio, hereby ordains:".

Where action by Council is not required to be by ordinance, Council may act by resolution or motion. Resolutions may be adopted by Council to address specific matters of a temporary nature, or to authorize administrative acts, or to express the position or opinion of Council, and do not establish permanent or general rules of conduct. All resolutions shall require but one reading and no publication, and shall take effect immediately upon their adoption. A motion may be used to propose specific action when an ordinance or resolution is not required.

SECTION 16. PROCEDURE FOR PASSAGE OF ORDINANCES AND FIRST READING.

Every ordinance, except emergency ordinances, shall be introduced in ~~writing~~ electronic, digital, written or printed form and in the form in which it is to be finally passed, and after passage on first reading a digest of the ordinance which substantially expresses the purpose and terms of the ordinance shall be published at least once in a newspaper of general circulation in the City, together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall be at least three days prior to the time the ordinance is considered for final passage. In addition to or in lieu of newspaper publication Council may, by ordinance, provide for City website posting of an ordinance after its passage on first reading, in which event the posting shall be accompanied by a notice of the time and place when and where the ordinance will be given a public hearing and be considered for final passage, which shall be not less than three days after the posting of the ordinance on the City website.

After passage on first reading a copy of every ordinance shall be posted within 24 hours in a conspicuous place in City hall for public inspection.
(Amended Nov. 2, 1965)

SECTION 17. SECOND READING AND PUBLIC HEARING.

At the time and place so advertised, or posted on the City's website if Council has provided therefor, or at any time and place to which such hearing shall from time to time be adjourned, such ordinance shall be read by title only, unless the Council by majority vote requires that it be read in full, and after such reading all persons interested shall be given an opportunity to be heard.

(Amended May 4, 1993)

SECTION 18. FURTHER CONSIDERATION AND FINAL PASSAGE.

After such hearing, the Council may finally pass such ordinance with or without amendment, except that if it shall make an amendment which constitutes a substantial change ~~of substance~~, it shall not finally pass the ordinance until it shall have caused the amended sections to be published at least once, together with a notice of the time and place when and where such amended ordinance will be further considered, which publications shall be at least three days prior to the time stated. At the time so advertised or at any time and place to which such meeting shall be adjourned, the amended ordinance shall be read by title only, unless the Council by majority vote requires that it be read in full, and a public hearing thereon shall be held and after such hearing the governing body may finally pass such amended ordinance, or again amend it subject to the same conditions. The second passage of any ordinance pursuant to this Charter shall be final, and no further passage shall be required.

(Amended May 4, 1993)

SECTION 19. PUBLICATION OF ORDINANCES AFTER FINAL PASSAGE AND PERMISSIVE REFERENDUM.

After final passage every ordinance shall again be published in digest form, and except as otherwise provided in this Charter, shall be subject to permissive referendum as provided in Article X of this Charter. Every ordinance, unless it shall specify a later date, shall become effective at the expiration of thirty days after such publication following final passage, or, if the ordinance be submitted at a referendum election, upon a favorable vote of a majority of those voting thereon except as otherwise expressly provided by this Charter.

(Amended Nov. 4, 1980)

SECTION 20. EXCEPTION AS TO NEWSPAPER PUBLICATION OF CODE ORDINANCES.

Notwithstanding the provisions of the foregoing sections, ordinances establishing regulations for the construction of buildings, the installation of plumbing, the installation of electric wiring, or any similar construction code, or income tax code or regulations, or revision and recodification of ordinances without modification of substance, which code or recodification it is provided by the ordinance shall be published in printed form for distribution need not be published in a newspaper, either before or after final passage. At least three correct copies of the ordinance, in the form in which it has been passed on the first reading, shall, however, be made available to public inspection in the office of the City Clerk and in lieu of publication of the ordinance, there shall be published a notice, describing the ordinance in brief and general terms and stating that the ordinance is available for public inspection at the office of the City Clerk, together with the time and place when and where it will be considered for final passage; and after

final passage, a notice describing the ordinance in brief and general terms and stating that it is available for public inspection in the office of the City Clerk and will take effect thirty days after such publication, unless submitted to referendum in which event it will not take effect unless approved as required by law.

SECTION 21. EMERGENCY ORDINANCES.

When necessary, for the preservation of the public peace, health, welfare or safety, the Council, by an affirmative vote of three-fourths of the members elected or appointed thereto, may adopt an emergency ordinance which shall take effect upon passage. Such emergency ordinance shall set forth and ~~define the specific facts clearly and specifically describe the emergency~~ necessitating ~~the emergency~~immediate effect. Such emergency ordinances shall require no public hearing and both the first and second readings may be passed at the same meeting. Such emergency ordinances shall be published as other ordinances after final passage, except that such requirement for publication shall not postpone the immediate taking effect of such ordinance as provided herein.

~~SECTION 22. RESOLUTIONS.~~

~~Where action by Council is not required to be by ordinance Council may act by resolution or motion. All resolutions shall require but one reading and no publication, and shall take effect immediately upon their adoption.~~

Whenever the Council is by law or provision of general ordinances required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, other than the first such ordinance or measure in the series, such ordinances or measures shall require no public hearing and both the first and second readings may be passed at the same meeting. Further such ordinance or measure shall take immediate effect upon passage, and the requirement for publication shall not postpone the immediate taking effect of such ordinance.

Ordinances or measures providing for appropriations for the current expenses of the City, or for street improvements petitioned for by the owners of a majority of the feet front of the property benefited and to be specially assessed for the cost thereof, as provided by general law or general ordinance, shall require no public hearing and both the first and second readings may be passed at the same meeting. Further they shall take immediate effect upon passage and the requirement for publication shall not postpone their immediate taking effect.

ARTICLE III THE CITY MANAGER

SECTION 1. THE CITY MANAGER AND QUALIFICATIONS.

The City Manager shall be chosen by the Council solely on the basis of the candidate's executive and administrative qualifications with special reference to actual experience in, or ~~his~~ their knowledge of, accepted practice in respect to the duties of the office as hereinafter set forth. At the time of initial appointment, the Manager need not be a resident of the City or State, but within six months following the initial appointment, the Manager shall move and maintain their place of residence to within the City corporation limits.
(Amended November 2, 1999)

SECTION 2. POWERS AND DUTIES.

The City Manager shall be the chief executive officer and the head of the administrative branch of the City government. ~~He~~ The City Manager shall be responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, ~~he~~ they shall have power and shall be required to:

- (1) Appoint and, when necessary for the good of the service, remove all officers and employees of the City except as otherwise provided by this Charter and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office;
- (2) Prepare the budget annually and submit it to the Council, and be responsible for its administration after adoption;
- (3) Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;
- (4) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to ~~him~~ them desirable;
- (5) Have such powers and perform such duties as are prescribed by the general laws of this State for a Director of Public Safety and a Director of Public Service, not inconsistent with this Charter.
- (6) Sign all contracts and bonds for and on behalf of the Municipal corporation. Within the amounts budgeted for and appropriated by the Council, the City Manager may make purchases and enter into contracts for the Municipality up to twenty-five thousand dollars (\$25,000) without necessity of further action of the Council.
- (7) Perform such other duties as may be prescribed by this Charter or required of ~~him~~ them by the Council, not inconsistent with this Charter.

SECTION 3. ASSISTANT CITY MANAGER; ABSENCE OF CITY MANAGER.

The City Manager may ~~designate by letter filed with the City Clerk a qualified administrative officer of the City to perform his duties during his temporary absence or temporary disability not exceeding thirty days. In the event of failure of the Manager to make such designation, the Council may by resolution appoint an officer of the City to perform the duties of the Manager until he shall return or his disability shall cease.~~ appoint an Assistant City Manager, subject to the approval of a majority of the members elected or appointed to the Council. The Assistant City Manager shall be responsible for the daily management and leadership of such specific City departments, and shall have such other duties and assignments, as may be designated by the City Manager. The Assistant City Manager may function as the City Manager during the City Manager's temporary absence. During any period of vacancy in the office of City Manager, or an absence exceeding sixty consecutive (60) days, the Council may by resolution make a temporary appointment to fill such vacancy during the interim until a permanent appointment is effective.

SECTION 4. ADMINISTRATIVE DEPARTMENTS.

There shall be a Department of Finance, Department of Personnel, Department of Law,

and such other departments as may be established by ordinance upon the recommendation of the Manager.

SECTION 5. DIRECTORS OF DEPARTMENTS.

At the head of each department there shall be a director, who shall be an officer of the City and shall have supervision and control of the department subject to the City Manager. Two or more departments may be headed by the same individual, the Manager may head one or more departments, and directors of departments may also serve as chiefs of divisions.

SECTION 6. DEPARTMENTAL DIVISIONS.

The work of each department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the Manager. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the Manager among specific divisions thereof, the Manager may establish temporary divisions.

SECTION 7. SALARY.

The City Manager shall receive such salary as is fixed by the Council. Such part of **his** **their** salary as the Council deems proper shall be paid from the income of any publicly owned utility operated by the City. The part of the Manager's salary so paid shall be fixed by the Council according to the proportion of his time devoted to such utility.

SECTION 8. REIMBURSEMENT OR ADVANCE FOR EXPENSES.

The City Manager shall receive no travel expenses, registration fees or other expense funds in addition to his salary, by means of reimbursement or advance, unless authorized by resolution of Council and provided that if authorized by Council an itemized accounting shall be filed with Council and final payment shall not be made until approved by Council.

**ARTICLE IV
BUDGET**

SECTION 1. FISCAL YEAR.

The fiscal year of the City government shall begin on the first day of January and shall end on the last day of December of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

SECTION 2. PREPARATION AND SUBMISSION OF BUDGET.

The City Manager shall prepare and submit the annual budget and budget message to Council, as provided by general law for mayors or this Charter.

SECTION 3. BUDGET MESSAGE AND CURRENT OPERATIONS.

The budget message submitted by the City Manager to the Council shall be explanatory of the budget, shall contain an outline of the proposed financial policies of the City for the following fiscal year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy.

SECTION 4. BUDGET MESSAGE AND CAPITAL IMPROVEMENTS.

As a part of the budget message, with relation to the proposed expenditures for down payments and other proposed expenditures for capital projects stated in the budget, the City Manager shall include a statement of pending capital projects and proposed new capital projects relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year.

SECTION 5. CAPITAL PROGRAM.

The City Manager shall also include in the message, or attach thereto, a capital program of proposed capital projects for the five fiscal years next succeeding the current year, together with his comments thereon and any estimates of costs prepared by him or other office, department or agency.

SECTION 6. SUPPORTING SCHEDULES.

Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements, as the City Manager shall believe useful to the Council.

**ARTICLE V
DEPARTMENT OF LAW**

SECTION 1. DIRECTOR OF LAW AND APPOINTMENT.

There shall be a Department of Law, the head of which shall be the Director of Law, who shall be appointed by the City Manager, subject to the approval by Council.

SECTION 2. QUALIFICATIONS.

The Director of Law shall be an attorney-at-law who shall have practiced in this State for at least five years.

SECTION 3. POWERS AND DUTIES.

The Director of Law shall be the chief legal adviser of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. ~~He~~ The Director of Law shall represent the City in all legal proceedings. ~~He~~ The Director of Law or ~~his~~ assistant shall be the Prosecutor in the Mayor's Court or police court. It shall be ~~his~~ their duty to perform all services incident to his position as may be required by statute, by this Charter ~~or by~~, or the City Administrative Code, or other ordinance. All the employees of the Department of Law except the Director, ~~his any~~ assistant or deputy-, and ~~his~~ the Director's confidential secretary shall be in the classified service.

**ARTICLE VI
DEPARTMENT OF FINANCE**

SECTION 1. DIRECTOR OF FINANCE AND APPOINTMENT.

There shall be a Department of Finance, the head of which shall be the Director of Finance, who shall be appointed by the City Manager, with the consent of Council. The City Manager may be the Director of Finance.

SECTION 2. SURETY BOND.

The Director of Finance shall provide a bond with such surety and in such amount as the Council may require by ordinance; the premium for such bond shall be paid for by the City.

SECTION 3. POWERS AND DUTIES.

The Director of Finance shall be the chief fiscal officer and shall have charge of the administration of the financial affairs of the City and to that end ~~he~~ shall have authority and shall ~~be required to:~~ fulfill the duties of the office as provided in the City Administrative Code or as may otherwise be required under Ohio law.

- ~~(1) — Compile the current expense estimates for the budget for the City Manager;~~
- ~~(2) — Compile the capital estimates for the budget for the City Manager;~~
- ~~(3) — Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;~~
- ~~(4) — Maintain a general accounting system for the City government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the City government to be made daily or at such intervals as he may deem expedient;~~
- ~~(5) — Submit to the Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City;~~
- ~~(6) — Prepare for the City Manager, as of the end of each fiscal year, a complete financial statement and report;~~
- ~~(7) — Make all special assessments for the City government, and give such notice of taxes and special assessments as may be required by law;~~
- ~~(8) — Collect all taxes, special assessments, license fees and other revenues of the City for whose collection the City is responsible, and receive all money receivable by the City from the State or Federal government, or from any court, or from any office, department or agency of the City;~~
- ~~(9) — Have custody of all public funds belonging to or under the control of the~~

~~City, or any office, department or agency of the City government, and deposit all funds coming into his hands in such depositories as may be designated by resolution of the Council, or, if no such resolution be adopted by the City Manager, subject to the requirements of law as to surety and the payment of interest on deposits, but all such interest shall be the property of the City and shall be accounted for and credited to the proper account;~~

- ~~(10) Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange;~~
- ~~(11) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the City government;~~
- ~~(12) Approve all proposed expenditures. Unless he shall certify that there is an unencumbered balance of appropriation and available funds, no appropriation shall be encumbered and no expenditure shall be made.~~

SECTION 4. WORK PROGRAMS AND ALLOTMENTS.

Before the beginning of the budget year, the head of each office, department or agency shall submit to the City Manager, when required by him, a work program for the year, which program shall show the requested allotments of the appropriations for such office, department or agency, by monthly periods, for the entire budget year. The City Manager shall review the requested allotments in the light of the work program of the office, department or agency concerned, and may revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to said office, department or agency for the budget year.

SECTION 5. ALLOTMENTS CONSTITUTE BASIS OF EXPENDITURES AND ARE SUBJECT TO REVISION.

The City Manager shall file a copy of the allotments with the Director of Finance, who shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approved allotments and not otherwise. An approved allotment may be revised during the budget year in the same manner as the original allotment was made. If, at any time during the budget year, the City Manager shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, ~~he~~ they shall reconsider the work programs and allotments of the several offices, departments and agencies and revise the allotments so as to forestall the making of expenditures in excess of the said income.

SECTION 6. TRANSFERS OF APPROPRIATIONS.

The City Manager may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the City Manager and within the last three months of the budget year, the Council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another. No transfer shall be made from the

appropriations contrary to the general laws of this State.

~~SECTION 7. ACCOUNTING SUPERVISION AND CONTROL.~~

~~The Director of Finance shall have power and shall be required to:~~

- ~~(1) Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the City government;~~
- ~~(2) Examine and approve all contracts, orders and other documents by which the City government incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligation shall become due and payable;~~
- ~~(3) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the City government and with the advice of the Department of Law determine the regularity, legality and correctness of such claims, demands or charges;~~
- ~~(4) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the City government apart from or subsidiary to the accounts kept in his office.~~

**ARTICLE VII
DEPARTMENT OF PERSONNEL**

SECTION 1. MERIT BASIS OF APPOINTMENT.

Appointments and promotions in the administrative service of the City shall be made according to merit and fitness to be ascertained, so far as practicable, by competitive examination. To carry out this purpose, there shall be a Department of Personnel, the head of which shall be the City Manager.

SECTION 2. UNCLASSIFIED AND CLASSIFIED SERVICE.

The civil service of the City shall be divided into the unclassified and classified service. The unclassified service shall comprise the following offices and positions:

- (1) Elective officers and persons appointed to fill vacancies in elective offices;
- (2) The City Manager and other appointive positions created by this Charter;
- (3) Members of boards and commissions appointed by the Council and advisory committees appointed by the City Manager;
- (4) Employees of professional qualifications engaged as consultants;
- (5) Secretary to the City Manager, and one secretary to each department or commission, when a secretary is authorized by ordinance or by this Charter;
- (6) The City Clerk;
- (7) Heads of all departments, their assistants and division heads within departments, including the Divisions of Police and Fire;
- (8) Unskilled labor;
- (9) Temporary employees and part-time employees;
- (10) Volunteer members of the Division of Fire, members of the auxiliary police unit with the Division of Police, and part-time employees of the Divisions of Police and Fire.

The classified service shall comprise all positions not specifically included by this section of the unclassified service. Council by ordinance shall be able to determine the civil service status of any newly created position, not generally described above, designating the position(s) within said ordinance as either classified or unclassified, consistent with the language of this section.

(Amended November 2, 1999)

SECTION 3. CIVIL SERVICE COMMISSION.

There shall be a Civil Service Commission consisting of three (3) members who shall be appointed by the Council. The Commission shall designate one of the three as chairman. Members of the Commission shall serve for a term of three (3) years. Vacancies in an unexpired term shall be filled by Council by appointment for the remainder of the term.

(Amended Nov. 4, 1980)

SECTION 4. CONTROL OF CIVIL SERVICE COMMISSION.

The City shall have all powers and duties granted and imposed by the general laws of the State of Ohio to civil service commissions, and have the authority by ordinance to prescribe rules and regulations governing the classified service of the City, specifically those rules and regulations that affect the hiring and promotion, and discipline, demotion, or termination of employees within the classified service of the City.

(Amended November 2, 1999)

SECTION 5. AGE REQUIREMENT FOR POLICEMEN—OFFICERS AND FIREMEN FIGHTERS

Eligibility to take an examination for and receive an original appointment to the City Police Department as a policeman officer, or to the City Fire Department, as a fireman-fighter, shall be determined by ordinance.

(Amended May 8, 1984)

~~**SECTION 6. ELIGIBILITY OF FIREMEN IN ANNEXED AREAS FOR CITY FIRE DEPARTMENT.**~~

~~Any person holding a position in a township fire department or a private fire company, and which department or company has its station located in an area annexed to the City, and who shall have served in such position for a period of at least six months, shall be eligible for appointment to the City Fire Department as a fireman without preliminary or working tests or examination and without regard to any age requirement unless he is found physically unfit to perform the duties of a fireman by a licensed physician designated by the Council. The cost of said examination shall be paid by the City.~~

~~Any person receiving an original appointment under this provision and who shall have served in the prior fire department or company for at least one year shall be eligible for promotional examinations from and after his appointment.~~

ARTICLE VIII PLANNING, ZONING AND HOUSING

SECTION 1. PLANNING COMMISSION AND ORGANIZATION.

There shall be a City Planning Commission which shall consist of five voting members, who shall be appointed by the Council, none of whom shall hold any other public office or position in the City. The City Manager and Mayor-Councilman shall serve as non-voting members of the Commission. The Commission shall elect its chair~~man~~ person from among the voting members.

SECTION 2. TERM OF OFFICE AND VACANCIES.

The term of the appointive members shall be five years, except that, of the five members first appointed, one shall be appointed for a term of one year, one for two years, one for three years and one for four years. Any vacancy during the unexpired term of an appointive member shall be filled by the Council for the remainder of the term.

SECTION 3. POWERS AND DUTIES.

The City shall have all powers and duties granted and imposed by the general laws of the State of Ohio to planning commissions and zoning boards, and shall be controlled by such statutes except where the same are in conflict with the Charter.

**ARTICLE IX
NOMINATIONS AND ELECTIONS**

SECTION 1. MUNICIPAL ELECTIONS.

The regular election for the choice of elective officers shall be held on the first Tuesday after the first Monday of November in the odd numbered years.

SECTION 2. REGULATION OF ELECTIONS.

The Council shall make all regulations which it considers needful or desirable, not inconsistent with this Charter, for the conduct of Municipal elections. Municipal elections shall be conducted and regulated by the regular election authorities who shall also have power to make such regulations not inconsistent with this Charter. The term "qualified elector" in this Charter shall mean a citizen having the qualifications required by general law to vote in the City.

SECTION 3. NOMINATIONS.

Any qualified elector of the City may be nominated by petition for the office of Mayor-Council~~man~~person, Council~~man~~person, or other elective offices according to the regulations of the regular election authorities. Nominating petitions shall be signed and filed with the County Board of Elections not earlier than 150 days nor later than 90 days before the election. A petition for nomination for Mayor-Council~~man~~person or Council~~man~~person or other elective offices shall be signed by not less than thirty nor more than fifty qualified electors of the City and shall show the consent of the nominee. Each candidate shall be nominated by separate petition, and no primary election shall be held for the selection of candidates for any elective office.

SECTION 4. BALLOTS.

The election of the Mayor-Council~~man~~person, council~~men~~person or any elective office

shall be on a non-partisan ballot.

SECTION 5. ELECTION.

The candidates for any elective office, equal in number to the places to be filled, who shall receive the highest number of votes at such election shall be declared elected.

**ARTICLE X
GENERAL PROVISIONS**

SECTION 1. INITIATIVE AND REFERENDUM.

The rights of initiative and referendum upon ordinances and action taken by Council as prescribed in the Constitution of the State of Ohio and as set forth in the laws of the State of Ohio, are hereby reserved to the people and shall be carried out according to the Constitution and the laws of this State.

SECTION 2. REMOVAL OF ELECTIVE OFFICERS.

The removal of elective officers as prescribed in the Constitution of the State of Ohio and as set forth in the laws of the State of Ohio, is hereby reserved to the people and shall be carried out according to the Constitution and the laws of this State.

SECTION 3. REMOVAL OF OFFICERS AND EMPLOYEES.

Subject to the provisions of Article VII of this Charter, any officer or employee to whom the City Manager, or head of any office, department or agency, may appoint a successor, may be removed by the Manager or other appointing officer at any time, and the decision of the Manager, or other appointing officer shall be final and there shall be no appeal therefrom to any other office, body or court whatsoever.

SECTION 4. RIGHT OF CITY MANAGER AND OTHER OFFICERS IN COUNCIL.

The City Manager, the heads of all departments, and such other officers of the City as may be designated by vote of the Council, shall be entitled to seats in the Council, but shall not vote therein. The City Manager shall have the right to take part in the discussion of all matters coming before the Council, and the directors and other officers shall be entitled to take part in all discussions of the Council relating to their respective offices, departments or agencies.

SECTION 5. INVESTIGATION BY COUNCIL.

The Council, or any person or committee authorized by it, shall have power to inquire into the conduct of any office, department, agency or officer of the City and to make investigations as to Municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section, shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000.00.

SECTION 6. ~~PUBLICITY OF~~ PUBLIC RECORDS.

Unless restricted by ordinance all records and accounts of every office, department or

agency of the City shall be [public records](#) open to inspection by any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times and under reasonable regulations established by the City Manager, [consistent with Ohio law](#), except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

SECTION 7. ~~PERSONAL~~-INTEREST IN CONTRACTS.

No member of the Council or any officer or employee of the City shall have a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract or in the sale to the City or to a contractor supplying the City of any land or rights or interests in any land, material, supplies or services. Any violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge expressed or implied of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the Council.

SECTION 8. OFFICIAL BONDS.

Any officers or employees as the Council may by general ordinance require so to do, shall give bond in such amount and with such surety as may be approved by the Council. The premiums on such bonds shall be paid by the City.

SECTION 9. OATH OF OFFICE.

Every officer of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Clerk:

I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Ohio, that I will, in all respects, observe the provisions, of the Charter and ordinances of the City of Louisville, and will faithfully discharge the duties of the office of _____."

SECTION 10. EFFECT OF THIS CHARTER ON EXISTING LAW.

All laws and parts of laws relating to or affecting the City of Louisville in force when this Charter shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this Charter. Insofar as the provisions of this Charter are the same in terms or in substance and effect as provisions of law in force when this Charter shall take effect, relating to or affecting the City of Louisville, the provisions of this Charter are intended to be not a new enactment but a continuation of such provisions of law, and this Charter shall be so construed and applied.

SECTION 11. SHORT TITLE.

This Charter, adopted by the people of the Municipality of Louisville, shall be known and may be cited as the "Council-Manager Charter of Louisville."

SECTION 12. SEPARABILITY CLAUSE.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context

in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

SECTION 13. GENDER.

The City Law Director is authorized and directed to amend the Charter to replace gender specific language with inclusive language.

(Added November 2, 1999)

SECTION 14. AMENDMENTS TO THE CHARTER.

Amendments to this Charter may be submitted to the electors of the City by the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council, and shall be submitted to the electors of the City by the Council when a petition signed by not less than ten percent (10%) of the electors of the City, based upon the total vote cast at the last preceding general municipal election, setting forth any such proposed amendment shall have been filed with the City in accordance, in each case, with the provisions of the Ohio Constitution. The amendment shall be submitted to the electors at the next regular primary or general election, if one shall occur not less than sixty (60) days, nor more than one hundred twenty (120) days after its passage or filing; otherwise the Council shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid.

If any such proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of this Charter at the time fixed in the amendment or, if no time is fixed therein, upon its approval by the electors; provided, however, that in the event that two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.

SECTION 15. CHARTER REVIEW.

In January, 2025, and each five (5) years thereafter, or sooner if deemed necessary in a resolution passed by Council, the City Manager shall appoint, subject to confirmation by the affirmative vote of a majority of the members elected or appointed to Council, five (5) electors of the Municipality, not holding other municipal office or employment, as members of a Charter Review Commission. Such Commission shall review the Charter and recommend to Council such amendments, if any, to this Charter, as in its judgment are desirable. The Council may by a two-thirds (2/3) vote of its members submit any such proposed amendments to the electors at the next regular primary or general election occurring at least sixty (60) days after Council shall so vote. The members appointed to said Commission shall serve without compensation. Meetings of the Charter Review Commission shall be open to the public.

**ARTICLE XI
SUCCESSION IN GOVERNMENT**

SECTION 1. ASSESSMENT AND TAX COLLECTION IN FIRST FISCAL YEAR.

The first fiscal year, as established by this Charter, shall commence on the first day of January, 1962.

SECTION 2. RIGHTS OF OFFICERS AND EMPLOYEES PRESERVED.

Nothing in this Charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the City or of any office, department or agency existing at the time when this Charter shall take effect, or any provision of law in force at the time when this Charter shall take effect and not inconsistent with the provisions of this Charter, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension, and retirement rights, civil rights or any other rights or privileges of officers or employees of the City or any office, department or agency thereof.

SECTION 3. CONTINUANCE OF PRESENT OFFICERS.

All persons holding administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the City by the laws of the State shall, if such office, department or agency, be abolished by this Charter, or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the Council unless otherwise provided herein.

SECTION 4. STATUS OF OFFICERS AND EMPLOYEES HOLDING POSITIONS WHEN THE CHARTER TAKES EFFECT.

Any person holding an office or position in the classified service of the City when this Charter takes effect who shall have served in such position for a period of at least six months shall be retained without preliminary or working tests and shall thereafter be subject in all respects to the provisions of this Charter. Other persons in the City service at the time this Charter takes effect shall be regarded as holding their positions under provisional appointments.

SECTION 5. TRANSFER OF RECORDS AND PROPERTY.

All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this Charter, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof are by this Charter assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

SECTION 6. CONTINUITY OF OFFICES, DEPARTMENTS OR AGENCIES.

Any office, department or agency provided for in this Charter with a name or with powers and duties the same or substantially the same as those of an office, department or agency

heretofore existing shall be deemed to be a continuation of such office, department or agency and shall exercise its powers and duties in continuation of their exercise by the office, department or agency by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter within the scope of its regular powers and duties commenced by an office, department or agency by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office, department or agency, shall, so far as not inconsistent with the provisions of this Charter, apply to such office, department or agency provided for by this Charter.

SECTION 7. CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS.

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

SECTION 8. PENDING ACTIONS AND PROCEEDINGS.

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may by or under this Charter be assigned or transferred to another office, department or agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

SECTION 9. WHEN PROVISIONS TAKE EFFECT.

For the purpose of nominating and electing members of Council and all purposes in connection therewith, this Charter shall be in effect from and after January 1, 1961. For the purposes of selecting and appointing the City Manager by the council ~~men~~members to be elected at the general election to be held in November 1961 this Charter shall be effective immediately upon their election. For all other purposes it shall take effect on the first day of January, 1962.

SECTION 10. GENERAL LAWS, ORDINANCES, ETC. SHALL PREVAIL.

Insofar as they are not inconsistent with or contradictory to the provisions of this Charter, or to the provisions of any lawfully enacted ordinance, the general laws of this State shall be the law for the City of Louisville. All existing ordinances, resolutions, regulations, contracts and commitments of the City of Louisville, not inconsistent with or contradictory to the provisions of this Charter, shall remain in full force and effect until changed by proper authority of the City of Louisville.

SECTION 11. ADMINISTRATIVE FUNCTIONS NOT ASSIGNED.

The City Manager shall have power to perform any and all administrative functions not herein otherwise assigned until changed by ordinance.